

Message Text

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ACTION EUR-12

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-----009794 292201Z /62
P 291531Z AUG 78
FM AMEMBASSY MOSCOW
TO SECSTATE WASHDC PRIORITY 6160
INNO RUFHLG/AMCONSUL LENINGRAD 3588

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-----CORRECTED COPY TEXT ADDED LAST SUB PARA, PARA 2---
DISREGARD PREVIOUS CORRECTED COPY

E.O. 11652: N/A
TAGS: CGEN, UR
SUBJECT: CONGRESSIONAL REQUEST RE CONSULAR MATTERS

REF: STATE 218912 (NOTAL)

1. EMBASSY RESPONSE TO REFTEL FOLLOWS WITH ANSWERS
KEYED TO PARAGRAPHS OF REFTEL:

2. ARTICLE 12, CONSULAR CONVENTION AND PROTOCOL:

-- SOVIET MFA APPEARS SCRUPULOUSLY TO HONOR ITS COMMITMENTS UNDER CONSULAR CONVENTION AND PROTOCOL IN CASES OF US NATIONALS WHO ARE ARRESTED. IN CASES OF PERSONS BRIEFLY DETAINED UP TO SEVERAL HOURS FOR SUCH MATTERS AS CUSTOMS COMPLICATIONS (E.G., "ILLEGAL" LITERATURE, CONTRABAND) OR POLICE QUESTIONING (E.G., FOR CONTACTS WITH SOVIET RESIDENTS, "ILLEGAL" PHOTOGRAPHY), HOWEVER, SOVIET AUTHORITIES NORMALLY DO NOT PERMIT AMERICANS TO CONTACT CONSULAR OFFICIALS, USUALLY UNDER SOME PRETEXT SUCH AS THAT TELEPHONE CONNECTION CANNOT BE MADE FOR TECHNICAL REASONS OR
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BECAUSE EMBASSY ALLEGEDLY DOES NOT ANSWER PHONE (AS DEPT AWARE, EMBASSY HAS ROUND-THE-CLOCK TELEPHONE SERVICE);

-- SOVIET MFA INFORMS EMBASSY WITHIN THREE-DAY TIME LIMIT FOR NOTIFICATION IN CASES OF ARRESTS OF US NATIONALS (E.G., THREE HEROIN ARRESTEES AND US

BUSINESSMAN FRANCIS JAY CRAWFORD). IN THE CASE OF PERSONS TEMPORARILY DETAINED FOR PERIODS RANGING FROM SEVERAL HOURS TO TWO DAYS, HOWEVER, SOVIET AUTHORITIES DO NOT NORMALLY NOTIFY EMBASSY AND MFA CLAIMS IT HAS NO OBLIGATION TO DO SO UNDER CONSULAR CONVENTION IF DETENTION IS FOR LESS THAN THREE DAYS;

-- SOVIET MFA STRICTLY ADHERES TO FOUR-DAY LIMIT IN ARRANGING INITIAL CONSULAR VISITS TO AMERICAN ARRESTEES;

-- SOVIET MILITIA POSTED AT GATES OF EMBASSY NORMALLY PERMIT ACCESS TO AMERICANS, BUT FREQUENTLY ONLY AFTER LATTER SHOW US PASSPORTS OR OTHER OFFICIAL IDENTIFICATION (IN SOME CASES, AMERICANS WHO HAVE HAD TO LEAVE PASSPORTS AT HOTEL FOR REGISTRATION HAVE THEREFORE BEEN UNABLE TO ENTER EMBASSY).

3. ARTICLE 17:

-- SOVIET OFFICIALS NORMALLY OBSERVE INVIOABILITY OF US CONSULAR FACILITIES (THEY ARE ALL LOCATED ON EMBASSY GROUNDS), ALTHOUGH ON OCCASION THEY ENCROACH ON EMBASSY GROUNDS TO CHALLENGE IDENTITY OF PERSONS ENTERING (E.G., RAY SMITH INCIDENT LAST MONTH).

4. ARTICLE 18:
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-- INVIOABILITY FF OFFICIAL CONSULAR CORRESPONDENCE IS USUALLY OBSERVED, EXCEPT THAT CONSULAR MAIL POSTED TO SOVIET ADDRESSEES IS ON OCCASION NOT DELIVERED.

5. ARTICLE 27:

-- CONSULAR TRAVEL IS NORMALLY PERMITTED TO OPEN AREAS AND ROUTINELY DENIED DO CLOSED AREAS OF THE USSR.

6. RE PRIVILEGES AND IMMUNITIES (EXCHANGE OF NOTES, 1967 AND 1968:

-- SOVIET OFFICIALS HAVE NOT OVERSTEPPED THE BOUNDS OF THE PRIVILEGES AND IMMUNITIES PROVIDED FOR IN THE EXCHANGE OF NOTES. WITHIN THAT FRAMEWORK, HOWEVER, ENFORCEMENT HAS BEEN SPORADIC WITH RELAXATION OF RESTRICTIONS ALTERNATED WITH STRICT OBSERVANCE SEEMINGLY AT RANDOM AND WITH NO ADVANCE INDICATIONS OF CHANGE. WHILE THIS VACILLATION IS FRUSTRATING AND INCONVENIENT AT TIMES, THERE HAS BEEN NO SIGNIFICANT DOCUMENTED VIOLATION OF THE FRAMEWORK TO OUR KNOWLEDGE.

7. RE PASSPORT VISAS AND VISAS FOR CORRESPONDENTS:

-- 1958 EXCHANGE OF NOTES NOT AVAILABLE AT POST;

-- 1975 EXCHANGE OF NOTES RE VISAS FOR CORRESPON-

DENTS APPEARS TO BE SCRUPULOUSLY OBSERVED. GARRISON

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